

# **The National Assessment Of the Worker Protection Program**



## **Workshop #2**

**Sponsored by the  
U. S. Environmental Protection Agency and the  
National Environmental Education & Training Foundation**

## **Workshop Report**

**Sacramento, California  
December 11-13, 2000**

# **National Assessment of the Worker Protection Program - Workshop #2**

## **Introduction**

On December 11-13, 2000, in Sacramento, California, the National Environmental Education & Training Foundation (NEETF) and the U.S. Environmental Protection Agency (EPA) hosted the second in a series of four evaluation workshops. The focus of these meetings is to assess the implementation and enforcement of the 1992 agricultural Worker Protection Standard (WPS). The initial assessment conference was held in Austin, Texas in June 2000. The Agency is conducting this assessment project to better determine whether the WPS program is adequately meeting its intended goal of addressing the risks to agricultural workers.

## **WPS History**

The revised Worker Protection Standard (WPS) regulation was issued in August 1992 by EPA and became fully effective on January 1, 1995. The WPS was established to reduce the occupational risk of pesticide poisonings and related injuries among agricultural workers and pesticide handlers on farms, forests, nurseries and greenhouses. The rule provides protections to more than 3.5 million people who work with pesticides at over 560,000 workplaces. It has the following requirements:

- ❖ Pesticide safety training;
- ❖ Notification of pesticide applications;
- ❖ Use of personal protective equipment;
- ❖ Restricted entry intervals following pesticide applications;
- ❖ Decontamination supplies; and
- ❖ Emergency medical assistance.

The WPS represented significant enhancement, strengthening of previously enacted occupational protections for agricultural workers, and it involved substantial new requirements for employers in order to comply with the new regulation. The WPS also required the EPA's Office of Pesticide Programs (EPA OPP) to undertake one of its most extensive regulatory implementation and outreach efforts in the history of the Agency. EPA has been engaged in WPS implementation for five years during which time EPA's state regulatory partners and other program stakeholders have identified numerous concerns with the implementation and enforcement of the regulation. Additionally, a series of reports and recommendations from the Government Accounting Office (GAO), the Children's Health Protection Advisory Committee (CHPAC), and various farm worker groups have identified other areas of concern with the WPS program. All of these factors have led to this extensive national assessment of the worker protection program.

## **Goals of the Assessment**

As previously mentioned, EPA is initiating its national assessment of the WPS program to assess the effectiveness of its WPS implementation and enforcement efforts, and address the GAO, CHPAC, and other stakeholder recommendations on EPA's regulatory efforts to protect the health of agricultural workers and children working in agricultural areas. The goals of the national assessment are to:

- ❖ Generate a consortium of various interests committed to the WPS program and the assessment;
- ❖ Identify key stakeholder concerns/issues with the WPS program that need to be addressed;
- ❖ Assess the current program status and determine program needs and priorities;
- ❖ Develop a comprehensive set of recommendations for WPS program including enhancements and possible regulatory changes that EPA may consider;
- ❖ Develop mechanisms to foster partnerships that can effect positive change in the program and make the program work effectively; and
- ❖ Develop the infrastructure for a continuing forum that will address future WPS issues.

The national assessment will include the following key areas of EPA's worker protection program:

- ❖ Effectiveness of EPA's WPS implementation and enforcement efforts;
- ❖ EPA's oversight of state programs and the effectiveness and consistency of state implementation and enforcement of the WPS;
- ❖ Outreach and communications with the affected regulatory community and stakeholders;
- ❖ Scope, quality, and delivery of worker and handler training programs;
- ❖ Special needs/concerns of children and pregnant women as agricultural workers; and
- ❖ Strategies for educating health care workers and the medical community.

### **The Sacramento Workshop - December 11-13, 2000**

The Sacramento meeting was the second in a series of four national stakeholder conferences being held across the country. The initial workshop was held in Austin, Texas in June 2000. The third meeting will be held in Orlando, Florida during Summer 2001. The last workshop will be held in Washington, DC in late 2001.

In planning these meetings, EPA has made a concentrated effort to invite various program stakeholders to participate in this assessment process. These are public meetings are all welcome to attend and share their experiences, opinions, and perspectives. EPA believes it is essential to involve farm worker representatives, agricultural interests, and other program stakeholders in

order to have a comprehensive, balanced, and worthwhile national program assessment. The Austin meeting began the important process of building a coalition of interested stakeholders that are willing to participate in the assessment effort and remain active in working with EPA to resolve program issues and effect change in the operation of the WPS program. The Sacramento conference provided an opportunity for participants to again form work groups and further discuss areas of concern with regard to program implementation and enforcement.

The objectives of the Sacramento meeting were to:

- ❖ Share the refined Agency objectives for this national assessment process;
- ❖ Incorporate discussion on children's issues as they relate to agriculture;
- ❖ Encourage continued stakeholder participation;
- ❖ Identify stakeholders not (as) actively involved in the current assessment process and find ways to encourage their future involvement in this effort;
- ❖ Ask stakeholders to identify key focal areas/priorities they believe are important in this assessment process;
- ❖ Continue to allow for general comment on the structure, design, and operation of the national assessment in an effort to develop a more successful assessment process;
- ❖ Continue to provide program stakeholders with an opportunity to work in groups and discuss possible remedies for those issues;

### **Monday, December 11, 2000 - First Half-Day Session**

The first half-day of the two and a half-day Sacramento meeting consisted of general presentations to provide participants with background information on the WPS program, the context and goals for the assessment process and outcomes from the Austin, Texas meeting. It also provides an opportunity for a panel discussion about children in agriculture as well as a general discussion of the goals and desired outcomes of the Sacramento workshop. This introductory session also gave the EPA's Office of Compliance Assurance and Enforcement (OECA) an opportunity to explain and answer questions about their Program Element Review, an internal EPA review of the WPS program and EPA Regional and state implementation and enforcement efforts.

### **Tuesday, December 12 - Day 2**

This second day of the Sacramento meeting gave meeting attendees an opportunity to review in-depth and continue work group discussions of the issues introduced at the initial workshop in Austin. The major issues identified in Austin were:

- ❖ Training Issues
- ❖ Enforcement Issues
- ❖ Complaint and Retaliation Issues
- ❖ Communication Issues Children's Health Issues Other Issues (this category included a

- wide variety of concerns that were not appropriate to put in any of the categories listed above. For more information please consult the comprehensive Austin Meeting Report at [www.epa.gov/pesticides/safety](http://www.epa.gov/pesticides/safety)
- ❖ Or call the Certification & Worker Protection Branch at 703-305-7666 for a printed copy of the document).

In this national assessment effort, EPA and NEETF are committed to working with and including a broad range of groups in the agricultural community. With that in mind, it is important to note that conference organizers tried diligently to maintain a representative balance in each work group of farm worker advocates, grower interests, county extension staff, state officials, EPA program experts, and other interested parties.

### **Wednesday, December 13, 2000 - Day 3**

On the third day of the conference, attendees continued to participate in one of the four professionally facilitated work groups listed below. Each of these work groups was asked to focus on their topics and to continue to identify their particular concerns as well as initiate discussions about methods to resolving these issues. The work groups were:

- ❖ Training Work Group
- ❖ Enforcement Work Group “A”
- ❖ Enforcement Work Group “B”
- ❖ Communication and Information Exchange

At the end of the third day, conference participants came together to report their progress. Each of the four work groups was given an opportunity to discuss the issues they identified as well as possible solutions for those issues. As you read through the work group session notes please keep in mind that this Sacramento workshop was not about consensus but rather about meeting and discussing different viewpoints, experiences, and opinions.

### **Work Group Reports**

Meeting organizers received many comments from stakeholders during work group sessions. While some of the issues discussed were familiar to some participants, the Sacramento meeting gave all attendees an opportunity to identify their particular areas of concern and begin discussions on how to best resolve specific program implementation and enforcement challenges.

The final part of the Sacramento workshop gave work groups an opportunity to summarize their issues and concerns. Below are the detailed notes from each work group session. The work group process resulted in the identification and discussion of many issues and challenges that are resulting from the implementation of the WPS. For the purposes of accuracy, EPA has edited only minor portions of the detailed notes below. Paraphrasing was kept to a minimum and these

notes provide the reader with an accurate representation of work group discussions. Some work groups engaged in multi-voting on issues they believed were important with regard to the implementation and enforcement of the agricultural worker protection program. Please note that the numbers in parentheses indicate the number of votes received for a particular issue by work group participants.

The members of each work groups agreed to a series of clearly defined operating ground rules before discussions began. The ground rules for each session allowed meeting participants to speak freely while focusing their comment on issues being discussed.

**Note:** To obtain a more diverse mix of stakeholder representation, the Enforcement and the Complaint & Retaliation Workgroups were combined and then divided equally in half becoming the Enforcement “A” and Enforcement “B” work groups.

## **Training Work Group Issues**

The following captures the discussion of the Training workgroup, which addressed a wide array of implementation concerns, related to the WPS training requirements.

### **Primary issues which will serve as focal points in the assessment process:**

- \*Funding and Resource Distribution
- \*Program/Materials Evaluation
- \*Training Content
- \*Training Quality and Consistency
- \*Training Verification (added issue)
- \*Train-the-Trainer Networks
- \*Re-training
- \*Training Record-Keeping Requirements
- \*Training to Protect Families (added issue)
- \*Training Materials
- \*Handler Training
- \*Alternative Training Systems

### **General work group concerns included:**

- Group must examine consistency and quality of training;
- Funding is an issue;
- Eliminate video and flip chart training;
- Tie complaint and retaliation into training;
- Need more advocate involvement; must find a way to get individuals more

- involved in training;
- Employers need to be trained;
- Burden should not be on worker, but on employer;
- Concern that the burden of the WPS rest with the employer;
- How to train children, content and method;
- Should be training adults on risks to children;
- Expand training approach as family;
- It is the grower's responsibility to train worker children;
- Why should WPS training and the level of accountability to the employer be any different than e.g. police officer training;
- Lobbying results in lax regulation;
- Handler training no longer a burden on the employer;
- Whether to shift or not handler out of WPS;
- If handler shifts to Certification and Training regulation, how should the applicator-training program be accomplished;
- Group should be aware of and maintain the efforts that have already been put into place by CTAG [Certification and Training Advisory Group];
- Should the [Training] workgroup also discuss handlers– recommendation that handlers should be dealt with separately:
- The private applicator should be allowed to train workers;
- The private applicator should not be allowed to train workers;
- Does EPA mandate to protect children under the WPS; need clarification of GAO responsible for pesticide exposure at the home, when home is camp; growers happen to be in a position to influence the risk that may be brought home
- Was the GAO report attempting to ask EPA to interpret the WPS as including children in the home?
- Concerned that the only action being taken is talk. Would like to see these discussions move forward and need to focus on the issues of pesticides associated with the WPS;
- Would like clarification on whether we are looking at a rule change or other change in the regulation is needed;

### **Funding and Resource Distribution**

-When WPS started, the states put resources into the front end of the implementation process.

Do not know how many resources were put into the program and eventually diminished over time. The States have had to use their resources to further the program, for example to allow for card systems, Train the trainer networks, monitoring, etc. EPA funding has not sufficiently supported the WPS program on the state level. As a result, states have had to fund it or get away with not having it.

- Costs of travel and space rent to university extension are significant. Alternate funds could cover

indirect costs such as these.

- Need clear language on how funds managed by the States are being used. States have discretion on how funding will be used and there is a concern over state registration fees being allocated to other programs outside WPS. Legislatures have great impact on this issue.

- States are under competing priorities. Little money translates into thin and thus inadequate programs.

- Low funding for State programs and differences in the way the programs is managed account for inconsistencies and no clear national picture.

- State politics and resources may filter and influence the goals and implementation of the WPS program.

- State structures are beginning to disappear due to lack of funding support. As a result, there is no money to support training structure. Employers have to pick up the difference.

- Would like to see higher enforcement penalties to support the WPS program. Also, would like EPA to look into ways in which the state registration fees would go toward the support of the WPS program. For example, fees could increase based on product's toxicity. Registrant taxes/fees would also increase manufacturer's accountability for pesticide safety.

- The problem of resource distribution also affects funding for non-governmental training entities. Need to find or support outside non-governmental training as well.

- Demographics play into the funding needs of the WPS. Low-density areas in the country as well as certain agricultural industries are under-served about WPS.

- EPA FIFRA programs are under funded. EPA must look at the distribution of existing funds and consider changes in resource distribution. For example, Superfund was compared to WPS with the conclusion that pesticide safety programs and OPP are under funded.

- Concern that multinational groups (e.g. food processors) are not sharing the cost. Perhaps we can be leveraged them to allow the smaller growers too more adequately address the issues.

**Funding and Resource Distribution, continuation** [these are the issues voted on by the group]

- Education was recognized as a goal. EPA needs to reorganize their funding mechanism from within to facilitate education. And non-governmental groups can assist EPA by lobbying to influence EPA funding decision-making. (22 votes)

- EPA and others should look to registrant/manufacturers as sources of educational tools to facilitate the training and shared expertise. (Seven votes)
- EPA should provide funds to non-governmental organizations to provide training as part of Train-the-trainer networks. (11 votes)
- EPA should recognize that training would continue to be inconsistent until funding is provided to states and other non-governmental training sources. (16 votes)
- Workers should not be required to pay a training fee.
- Workers should be required to pay a training fee, as this would encourage them to pay attention to training.
- Penalties should be used to fund training/enforcement. (Two votes)
- Penalties should not be a source for driving the training, as these funds are not constant. Penalties collected generally go into the state's general fund and are not traditionally available for other activities like WPS by the collecting agency. (Six votes)
- Penalties collected can be a source of funding but that it can cause other issues related to the potential for abuse of this activity.
- States need to review how they are distributing their state registration fees, to what programs.

### **Program/Materials Evaluation**

- Evaluate different types of training to determine if training is working. Pre and post testing.
- Currently, the WPS training does not require comprehension. As part of the assessment, we need to consider how training should require comprehension, with the recognition that behavioral change may not follow. The issue that comprehension will lead to behavioral change is very complex, but we should look at the training aspects that would move us towards that direction. (Four votes)
- EPA must make distinction between training and information giving.
- In order to evaluate the success of the program and materials, training should be evaluated. Training records requirement would help in this effort. Uniform evaluation of the program will also prompt the need to evaluate the level of enforcement, and issues of complaint and retaliation. (Three votes)

-Use pre- and post- tests to evaluate effectiveness of training materials and training methods, and find best (few) tools for training. (10 votes)

-We should test level of absorption, perhaps by evaluating the worker's level of commitment to the training. If workers feel that tools are available to them—e.g. the complaint system—they will be more committed to the training. Also, if labor contracts include anti-retaliation provisions.

-Concern that a commitment to training must be made not only by the employer but the worker as well. Find ways to make training more of a shared responsibility. (One vote)

-Workers cannot be responsible for their safety if they do not know this country's requirements. Training must be sensitized to workers' needs.

-In evaluating effectiveness of training, look at level of worker complaints and survey workers. (Five votes)

Workers should pay for Training.

Workers should not pay for Training.

-Training time should be included as part of the worker's payroll.

-Program Development should be done with an eye for how it can later be evaluated. EPA should develop criteria for evaluation of training. Surveys and interviews may not be the best methods. (Nine votes)

-Need to agree on criteria to evaluate the success of training. (26 votes)

- EPA should hold more focus groups with workers to determine whether training is adequately addressing workers' needs.

-EPA should conduct program evaluations that will produce the data and measures needed to substantiate that worker training is resulting in risk reduction (through fewer incidents and fewer reported injuries), because this could help growers reduce costs (through lower insurance and health care), and it would also improve acceptance of the training requirements by employers and improve compliance.

### Training Content

-Training must be crop-specific (e.g. mushrooms, nursery/greenhouses, forestry, etc.) Or by group of crops, or product-specific. (Five votes)

-Training content must bear in mind that there are multiple training audiences, with for example, differing cultures, languages and literacy levels. There are different challenges when addressing an

indigenous worker versus a south east Asian. In addition, children may be among those trained. (21 votes)

-Training should incorporate issues of cultural differences and lifestyles. For example, eating weeds in the fields while working may be customary in Mexico. We must develop a training method that teaches workers about aspects in their behaviors which are common to them, but which pose a risk to their health and well-being. (One vote)

-There is a need to increase the use of community-based training. We should develop a Train-the-Trainer network for this subgroup. (11 votes)

-Training content should include the complaint process, information on illegality of retaliation and an emphasis on family education (risks to children). To accomplish this, EPA could collaborate with other agencies working with family issues, like DHHS; funding may also come our way by collaborating. (Seven votes)

-Training should explain why the rule and regulations are in place. Content of training need clear reasoning as to why specific aspects of the regulation are being done. In “plain English”. (14 votes)

-Workers should be surveyed on delivery and content to evaluate whether their needs and concerns are addressed by the training. (15 votes)

-EPA should develop the appropriate content for worker training through the assessment workgroup process.

### Training Quality and Consistency

-Interactive training should always be part of WPS training. (22 votes)

-Videos are ineffective and should only be used if in conjunction with interactive methods. However, never by itself. (One vote)

-EPA should promote the development of an interactive training program that goes beyond video training that employers and growers can do. Growers should be allowed to train as they have responsibility over their employees. You cannot require the grower to be held accountable if he is not allowed to provide training.

-Growers should not be allowed to train as quality of information and comprehension by workers may be compromised.

- Growers should themselves be trained, specially the small grower. (Eight votes)
- Community groups should be looked at as good supporters of qualitative and consistent training. EPA cannot rely on solely one training source. (Three votes)
- National standards in training should be developed. There should be a core level of training. (Three votes)
- Consider training by grower in the intermediate time frame of the 5-year re-training requirement.
- Worker should have right to request and receive additional training. (Two votes)
- Training quality and consistency would improve if a national Train-the-Trainer program is developed. (16 votes)
- There should be several types of training materials available for training. (Two votes)
- Training can be measured. EPA may need to be better acquainted with how to do this.
- Incentives should be developed that encourage employers to provide quality worker training. (10 votes)
- The current WPS provisions, which permit, certified applicators to be trainers should be eliminated. (Three votes)
- The current WPS provisions, which permit, certified applicators to be trainers should be maintained. (Five votes)
- Consider eliminating the grace period for worker training. (13 votes)
- EPA, [in partnership with other stakeholders,] needs to provide employers with better options for getting their workers trained in a way that delivers high quality training, but that can also be done as needed so farm operations are not disrupted. (11 votes)
- EPA should develop and display better training models; EPA should use California's training program as a model for EPA to develop a national program. (14 votes)
- EPA and states should work with trainers that have built trust at the community level to form a training network that is better accepted by the farm worker community.
- The current WPS provisions, which permit, certified applicators to be trainers should be eliminated.
- EPA should work with insurers to consider risk reduction savings for growers that provide

quality worker training based on the change of behavior and lower occupational risks that result from such programs.

#### Training Verification (added issue)

- Need a uniform national training program supported by a Train-the-Trainer network that can take place out-of-season or at different times. (17 votes)

- Farm worker advocates also need state-to-state consistency of training program to ease their travel with migrant streams. A national accreditation program for trainers would secure state-to-state consistency.

- EPA should not establish a federal requirement of mandatory verification cards. Each state should be able to choose to have verification cards. (One votes)

- EPA should not establish a national standard for trainers because of state differences. (Six votes)

- We must find a way to tie training quality with verification cards. Growers do not trust training done everywhere and often prefer to train themselves. (Versus: Growers do not care about training.)

- There should be core training for trainers to which states can then add state-specific differences. (18 votes)

- Verification card system is set to failure as cards may be brought at flea markets.

#### Train-the-Trainer Networks

- Consider requiring a Train-the-Trainer course for all WPS trainers. (16 votes)

- EPA should better utilize advocate-training networks.

- California's Train-the-Trainer network could be used as a model to then be tailored to individual states based on their regulations. California is truly different and could or should only be considered as a source and not necessarily the model for the whole country. There should be some flexibility for each state to adopt their own programs. (10 votes)

- Trainers must adapt to different crop- and state-specific situations. (Five votes)

- We must use existing infrastructure (state resources) to develop the network. (Seven votes)

-The network should embody a national core training curriculum and core-accreditation for trainers. (16 votes)

-Farm labor contractors should be more responsible and should be trained in WPS requirements. However, it is critical that EPA maintains the ultimate responsibility on the grower. (Eight votes)

-The network should support Regional Training Centers, such as that in North Carolina, and proposed at U.C. Davis. (Versus: North Carolina was noted as having inadequate training.) (Three votes)

-EPA should establish minimum standards for states to follow for approval of state Train-the-Trainer programs, and EPA should work with states to assure consistency at the state level in approving state T-the-T programs. (18 votes)

-EPA should develop a national train-the-trainer program approval process that does not leave it up to each state to have to recognize and/or approve multi-state train-the-trainer programs.

-EPA should establish a clear national criteria for states to follow for approval of state train-the-trainer programs, and EPA should work with states to assure there is consistency at the state level in approving state train-the-trainer programs.

-EPA's criteria for approving train-the-trainer programs should require information on teaching methods specific for farm workers, information on teaching methods for adult learners, information on how to resolve problems with language and cultural barriers, minimum standards for content of training programs, provisions for periodic independent oversight of training programs, and defined re-certification times for trainers.

#### Re-training Intervals

- Five year re-training interval is too long: workers should be trained every 2-3 years; handlers should be trained annually. (26 votes)

- The verification card would allow for re-training to be more consistent. (Five votes)

- Growers should be trained every 2 years.

- Re-training content should consider career-advancing elements.

-Re-training must be tied to national record-keeping and verification card system for accounting purposes.

-Trainers need support for training materials and materials should be reviewed annually (specially if crop-specific). (14 votes)

#### Training Record-keeping Requirements

- Revise the WPS to require Ag employers to keep records (tie this requirement to enforcement and file review). At time of inspection, worker interviews can be conducted to verify whether records are accurate. (28 votes)

- Create a national database for worker training.

- Workers should be responsible for keeping cards. They take pride in it and will treasure them. (No photo). (Six votes)

- Need to make sure that workers are on payroll while attending training. This is an incentive to go to training and keep the training card. (Six votes)

- EPA should eliminate the grace period in the worker training provisions and require all workers to be trained before they enter treated areas or perform hand labor tasks just like the corresponding handler training provision requires handlers have to be trained before they handle pesticides.

#### **Training to Protect Children/Families (added issue)**

-Worker training should contain elements appropriate to educate workers about risk to their families at home. (Four votes)

-Worker training should in some cases be tailored to kids that work. (Three votes)

- Training should be geared to level of understanding of audience. Age-specific methods of training should be adopted.

- What is the legal age in each state and how does that fit into the training efforts.

-[SEND TO COMMUNICATIONS WORKGROUP: Outreach to children and families. Young adults working legally and those that are accompanying their families. Content of outreach must be comprehensive, to focus on education and include schools, 4H, Migrant Ed, Migrant Head Start, etc.]

-Issue that other agencies may also be involved in this practice. Concern about whether we have

the authority under certain circumstances.

### Training Materials

- Materials need to be updated regularly and be made available (EPA website?) (Eight votes)

- Materials should be more interactive. (21 votes)

- Materials should include chemical- or crop- or pesticide-specific information.

- Chemical-specific or crop-specific information is very large and difficult to cover in the allotted time that is allowed for training workers. Therefore, training should not be crop-specific, perhaps only pesticide-specific.

- WPS training catalog needs to be more widely advertised and distributed. (Nine votes)

- In addition to thinking of this item as part of training materials, SEND TO COMMUNICATIONS WORKGROUP: Suggestion that MSDS' should be accessible to workers [perhaps through the Extonet, National Pesticide Telecommunications Network]. Discussion on level of detail of MSDS which are not designed to meet the needs of workers, but are more in line with registrant and professionals in the hazard business. MSDS are more for the handlers rather than the workers. Registrants do provide MSDS with the shipment of the products. They are available on line. Provide MSDS vs. not providing MSDS.

- In addition to thinking of this item as part of training materials, SEND TO COMMUNICATIONS WORKGROUP: Workers should know the name, REI, symptoms, and health effects of pesticides being used. Hazard communication or crop-sheets are necessary for worker safety. Classification may not address the full issues that should be addressed under another group. (22 votes)

- Centralized training centers should be utilized as a materials resource site for WPS (e.g. Kansas City) (1 vote)

Crop sheets may be a useful but in other cases may not be adequate to address workers' issues.

- Inert ingredients are a black hole with regard to ultimate toxicity of the products. If crop-sheets are to be used, EPA needs to address health effects of inerts in addition to active ingredients. (Eight votes)

## Handler Training

- Strong concern about moving the handler out of the WPS into Certification and Training (C&T) and losing WPS' employer responsibility. (Nine votes)
- Explore ways to move to C&T while maintaining employer responsibility. (13 votes)
- Strong concern that handlers be kept in WPS. (Eight votes)
- Quality of handler training must be improved. (Two votes)
- Moving handler training to C&T program would improve the quality of the training. (15 votes)
- Suggestion that handlers be part of both WPS and C&T. (5 votes)
- A thorough discussion of handlers and handler training must involve a broader range of participants than those present at this workgroup. (Two votes)
- Must tie need and problems with handler training with lax WPS enforcement. How would moving to C&T improve enforcement?
- If added to C&T, would that allow for additional funding and resources? (Five votes)
- EPA should institute mandatory annual handler training with record-keeping requirements. (Eight votes)
- EPA or others should conduct outreach regarding the distinction between worker and handler duties and the corresponding training required for each group. (One vote)

## Alternative Training Methods / "Partnership" Training

- EPA should develop a system-wide communication and outreach plan using all available partners and technologies. (14 votes)
- EPA should provide funding for training partnerships or other organizations to conduct training. By strengthening partnerships between states, community-based organizations, commodity organizations, grower organizations, etc., as needed. (14 votes)
- One way to encourage training partnerships is to optimize linkages through formal agreements. For example, have Americorp members go through state train-the trainer training to ensure quality. (12 votes)

- Linkages and partnerships will raise the quality and consistency of training and improve the evaluation of programs. (Two votes)
- Create linkages between the more formal education (e.g. computer-based) and more traditional methods.
- Consider not only top-down but also bottom-up education. That is, workers also have important information to teach us in what they need. Recognizing partnerships would allow organizations close to the workers to feed their knowledge and reliable needs into the system. (Eight votes)
- SEND TO COMMUNICATIONS GROUP: We need to do outreach to growers about why worker training is important and the level of liability of employers. Employers see training workers as negative, not positive.
- Partnerships can include a wide array of organizations.
- Farm Labor Organizing Committee (FLOC) would like to be federally recognized into partnership. FLOC has project separate from the organizing body called the Farm Labor Research Project, which they would like to pilot.
- FLOC should not be recognized for conducting training because it is a labor organization.
- States (e.g. WA state) would benefit from having a list of organizations available per region.

## **Enforcement “A” Work Group Issues**

**Primary issues, which will serve as focal points in the assessment process, include:**

- \* Funding and Resource Distribution;
- \* EPA Oversight of State Programs;
- \* Quality / Consistency of State Inspections;
- \* Defining WPS Inspection Criteria;
- \* National Reporting;
- \* WPS Enforcement and Compliance Actions (Penalty Policy)

## **Funding and Resource Distribution**

- Low program budget - 16% of EPA funding
- Not enough \$ for training for advocates

- A criterion by which EPA allocates funding is unknown and inconsistent across states. The criteria exist and is applied across country. Perhaps EPA should consider the number of agricultural workers in each state as criteria.
- Not enough resources allocated for enforcement/inspection - not enough \$ to do the basics necessary to implement the WPS at EPA-level for oversight at state level for enforcement.
- Not enough language training/other cultural training for inspectors
- Accountability for performance-based results is not clear

### **Multi-Voting**

- Use creative approaches to penalty policies (e.g. SEPs; reinvest in programs) to get additional resources for WPS (15 votes)
- Consider fees as way to pay for program (look at California example) Questions include who bears the cost? Who is the fee on? (Nine votes)
- Policies (0 votes)
- Use program evaluations to highlight program shortcomings and resource shortfalls (11 votes)
- Put fee on pesticide producers (3 votes)
- EPA has some latitude to reappropriate funds from one program to another (21 votes)
- Utilize universities as a resource (3 votes)
- Use program evaluations to highlight program shortcomings and resource shortfalls (11 votes)
- Put fee on Pesticide Producers (3 votes)
- EPA has some latitude to reappropriate funds from one program to another (21 votes)
- Utilize universities as a resource (3 votes)

### **EPA Oversight of State Programs**

- Does EPA have consistent criteria on what WPS inspections/programs should look like? If so, where is it?
- Lack of consistency with amount of oversight and response to complaints. Response time to complaints is inconsistent. Response time to injury is a different set of dynamics/timing.
- No consistent criteria for oversight of states by EPA. Prioritization of workload?
- Inadequate resources for oversight.
- EPA personnel need more training for oversight.
- Seems to be a lot of [personnel] turnover at EPA.
- Guidance does not exist in certain areas and is inadequate in other areas.
- No performance-based agreements when resources are distributed.
- No consequences when states do not achieve results.
- Turnover, lack of language training. How can inspectors and others deal with complaints?
- Not enough hands-on demonstrations by EPA.
- EPA staff does not have real experiences on the farm.

### **Multi-Voting**

- Require EPA staff to “intern” with states (and vice versa) (look to Region 3 for example) (10 votes).
- EPA Inspectors need field experience/local knowledge as well as training for oversight (21 votes)
- Co-locate EPA Project Officers with State Agency Representatives (1 vote)
- EPA should establish models and guidance for enforcement (8 votes)
- States should have an opportunity to assist EPA in reviewing other states’ programs (8 votes)
- Non-state stakeholders (advocacy groups, growers, etc) should be engaged in end of year

assessments (7 votes)

- EPA should regularize its program for internal evaluation / include stakeholders (5 votes)
- EPA should be more explicit in its grant guidance (4 votes)

### **Quality / Consistency of State Inspections**

- Simple questions are not asked. - No, set checklist – include the basics.
  - Appointments made with farmers, inspection takes place in the office. Involving ALL the parties in an inspection – ultimate responsibility is the farmer – unannounced vs. announced inspections. Inspectors do not speak to farm workers just the “foreman” - do not speak the language.
  - Does not focus on the important points of the regulation.
  - Poor investigative skills (e.g. don't go for medical reports).
  - Employers are not trained - aware of the regulation's requirements (small, mid-size farmers).
  - States are unsure that the regulations meet the real world.
  - State consistency does not exist = because workers move from state to state.
  - Language barriers - do not speak Spanish, no translators.
  - Frequency -farm workers have never seen an inspector.
  - If make appointments with farm workers - not certain of “reality” of results.
  - No record keeping requirements - word against word.
  - Spread out nature of farms requires calling farmers ahead of time.
  - Doctors do not have enough knowledge about pesticides.
  - Doctors do not speak the language.
  - Lack of (or no) communication with other state agencies.
  - Stakeholders not aware of the range of tasks state are required to do.
-

- What is the priority for farm worker protection at the state level?
- Inconsistency in labels - tough to enforce.
- Hours of investigation do not allow for actually seeing spraying (week days, not weekends).
- Repercussions for state employees.

### **Multi-Voting**

- WPS changes to (a) require training record keeping, (b) clarify labor contractor responsibilities, (c) add training on how to file complaints, (d) address legalities for retaliation (2 votes)
- Explore training WPS personnel (e.g. inspectors, attorneys) in case development, cultural differences (17 votes)
- Ensure consistent baseline of experience for inspectors (2 votes)
- EPA should regularly and consistently share information about inconsistencies across state programs (0 votes)
- EPA should study inspections state-to-state (1 vote)

### **Defining WPS Inspection Criteria**

- Currently not [defined] in any place. Criteria not consistently applied across states.  
Accountability - counting inspections - needs consistent definition.
- State inspectors are not trained to extrapolate on findings; dig deeper based on circumstantial evidence.
- Once in place - the one-size fits all approach will be tough. It will not work.
- Inspections only based on complaints not routine/preventative visits.
- Inspection process does not include ability for farm workers to talk with inspectors.
- Criteria - need to include only things that are enforceable - unenforceable aspects to WPS?

- Connection between education and enforcement is not always clear (look at Pennsylvania for one way to connect)
- Privacy of workers not protected
- No penalty for [states] not doing a good job
- Complaint driven is not the norm.
- Confidentiality – is it even possible?
- Violations/enforcement - are they the same or different? Does a lack of violations necessarily mean a lack of enforcement or does it just mean a lack of violations.

### **Multi-Voting**

- Look at those state programs that are successful (e.g. California, Pennsylvania, and Idaho) to standardize inspection criteria. (19 votes)
- Criteria should include certain # of worker interviews, check fields for REI to make sure no workers are in the field, and conduct off-site interviews. (17 votes)
- Inspectors should work with and learn from attorneys. (Zero votes)
- Needs to be avenues for workers to vocalize concerns — toll-free 800# for complaints — with follow-up, some anonymity. (Six votes)
- EPA should share information about changes to labels. (One vote)
- Rework/assess “credit” process. (Zero votes)
- Track EPA work group currently working on defining criteria. (Three votes)
- Change posting requirement to “immediately after” instead of “before”. (Seven votes)
- Inspections should be done without complaints. (Eight votes)
- Accept complaints from third parties / worker advocacy groups. (15 votes)
- Use New York state model for inspection blitzes to increase presence. (10 votes)

### **National Reporting**

- No single place where people can go to report incidents.
- No national system to speak to: 1) enforcement [infrastructure exists], 2) incidents like injuries, exposure, violations (pesticide reporting) [infrastructure may not exist].
- No consistency in definitions – do not know what is what.
- Variety of reporting mechanisms - State to Region, Regions to Federal (who reports to who and about what. On national basis, we cannot see what is going on from an enforcement or violations perspective or health/injuries/activities perspective.
- Voluntary reporting at the state level does not work.

### **Multi-Voting**

- Build-up WPS reporting regulations, mechanisms to the levels of other environmental statutes [activities]. (Three votes)
- Through cooperative agreement (EPA, states, and tribes) reach understanding that all WPS activities are reported. (18 votes)
- States provide their information to EPA to then develop national report. (Three votes)
- Develop workers comp program state-by-state. (Zero votes)
- Create program to allow reporting of injuries (building on Oregon 800#). (Zero votes)
- Create health-based /injury-reporting mechanism - building on existing infrastructure - create national criteria, especially for high incidents. (11 votes)
- Tie workman's comp data to economic benefit for growers. (Seven votes)

### **WPS Enforcement and Compliance Actions (Penalty Policy)**

- Makes economic sense for farmers to violate the WPS because penalties are not stiff enough.

Not just \$ penalty?

- Problem with lack of applying penalties even to major violators - warning letters instead.
- No ways to track repeat offenders. Repeat violators - tracking or changing penalty.
- Corruption with those who do enforcement?
- Penalties set in states - not consistent.
- Penalties not commensurate with the violation.
- Inspections not done well enough to 'support' big penalties.
- Penalties are not connected to the workers.
- Local political pressure results in lower chance of penalties (lack of criteria).
- Inspectors have problem enforcing regulations - they, and others, feel are not meaningful.
- We want COMPLIANCE.
- Consistency across states - varies after EPA base for initial violations (the national level).
- Can penalize the farm labor contractors - should not immunize the growers.

### **Multi-Voting**

- Ensure violations are tracked/maintained over time (e.g. California – at least 2 years) (18 votes)
  - Complainants should have an opportunity to 'appeal' an inspector's decision (to state or EPA Office of Inspector General - other avenues (3 votes)
  - Survey states as to level of tracking violations (8 votes)
  - Explore creative options to penalty process (e.g. SEPs) to achieve compliance (e.g. training by people not in compliance – pay for training to be done, pay for time of workers) (10 votes)
  - Revisit existing baseline standards (4 votes)
-

## **Enforcement “B” Work Group Issues**

Reminder: To obtain a more diverse mix of stakeholder representation, the Enforcement and the Complaint & Retaliation Workgroups were combined and then divided equally in half.

### **The “B” Work Group issues included:**

- \* Incident Reporting and Tracking
- \* Improving the Complaint Process
- \* Educating Workers on the WPS and Complaint Process
- \* Resolving Retaliation Problems
- \* Community/Advocacy Group Involvement

### **Incident Reporting and Tracking**

- What is incident reporting and tracking? We need a definition.
  - An incident is any alleged exposure regardless of the health effects.
  - A hospital visit is an obvious incident
  - A doctor, grower, neighbor can report an incident.
- An Incident reporting is how agencies pass the information up through the system.
- An Incident is a confirmed exposure. A Complaint is an alleged exposure. Complaints are followed up with an investigation to determine if there was an incident.

### **Problems:**

- Need to have mandatory requirements of reporting.
- There is a GAP in the regulation as it stands now.
- Incident has a legal meaning.
- Many workers are afraid of the system.
- Need correct diagnosis.

- People need to know where to go to seek legal aid.
- Workers need to know they have to make complaints in a timely fashion otherwise the evidence trail is destroyed.
- Need a system to keep track of A) illness and B) complaints.
- There is no National Standard for reporting except for registrants.
- People need to understand complaint vs. exposure vs. incident.
- EPA needs to have a systematic approach.
- Need place to track symptoms i.e. today I have a headache.

### **Multi-Voting - Approaches – Incident Report/Tracking**

- EPA should examine existing incident reporting and tracking systems; analyze strengths and weaknesses; choose one as a model. (15 votes)
- Strengthen the States' ability and responsibility to report and collect data and its accountability for stakeholders. (13 votes)
- Develop an overall incident reporting and tracking system to include all issues and establish a hotline. (Eight votes)
- Develop a national reporting standard and a central data repository, which includes standard data collection methods and case definitions. (Eight votes)
- Look at OSHA Incident Report tracking system, pick out what is good and working, change WPS to include those elements. (Five votes)
- Develop statutory changes to mandate physicians reporting. (Four votes)
- Develop EPA's statutory authority to allow mandatory reporting and tracking system. (Two votes)
- Fund the CDC to collect data and run the data repository.
- Develop criteria for a best practices incident report/tracking model.

### **Improving the Complaints Process**

- An illness should be reported to a doctor or health offices; everything else is an incident.
- Workers have to know WHO to complain to and workers must do it quickly because the evidence trail grows cold quickly
- A system is needed that responds quickly while there is evidence.
- Different States have different criteria.  
One state might say to place clothes in a bag; another state might say the clothes cannot be used for evidence because you cannot prove custody of the clothes.
- Complaints should be allowed to be made by worker advocates and workers should respond to those complaints as quickly as complaints. (Some states have different required response times based on who is registering the complaint).
- Formal vs. Informal complaints --  
By California law, a formal complaint is by the worker; an informal complaint is by anyone else; The State Agency must respond to formal complaints in three days.

### **Possible Approaches to Improving the Complaint Process**

- Examine existing anti retaliation laws such as OSHA and the Whistle blower Protection Act
- Consider adapting some of these same strategies under the WPS
- Put some teeth into the existing WPS
- Document the various procedures for filing and following up on a complaint
- Improve existing inspector training programs; train inspectors on what to look for look for and communicate
- Insure mechanisms for confidential complaints
- Allow farm worker advocates to make complaints and make sure the complaint gets the same priority – California has confidentiality law that says under a formal complaint they cannot reveal the person who made the complaint

- Ensuring confidentiality does not happen necessarily in the REAL world
- Allow third party complaint (not all third parties can form advocacy groups)
- Train the workers so they know how and to whom to complain;
- Develop standard mechanisms process who and then educate wisely and consistently
- Develop more effective ways of educating workers (different types of material) so people
- Standard priorities for response national minimum standard
- Explore how to include presumption of retaliation and private right of action into law
- USDA responsible for keeping records of pesticides uses. There is a prohibition against giving information to EPA.
- There are thing we can do. For example, improving existing inspector training programs
- Worker advocate stated that it is not a level playing field. There is no expectation of change.

### **Approaches --Improving the Complaint Process**

- Improve existing inspector training program so they know what to look for and how to communicate. (20 votes).
- Examine OSHA anti-retaliatory laws and other worker and whistle blower laws. Select one or more methods and include in WPS. (10 votes)
- Explore how to include presumption of retaliation and civil actions into WPS. (10 votes)
- Allow farm workers advocates to make complaints and make sure they get same priority. (Nine votes)
- Develop standard priorities for response times and actions for all agencies; set national minimum standards. (Eight votes)
- Put teeth into existing standard. (Seven votes)
- Allow third party complaints; build on other successful models of how to do this. (Six votes)

- Develop more effective education models and methods so workers know their rights and how to make complaints. (Four votes)
- Develop standard complaint mechanisms/processes and then educate widely and consistently. (Two votes)
- Ensure mechanisms for confidential complaints. (One votes)
- Document the existing various complaint proceedings at all levels (filings and follow up)
- Establish a toll free number to educate workers on the complaint process and make referrals to appropriate state agencies. (21 votes)
- Require all workers training to include 'how to make a complaint'. (20 votes)
- Develop regulatory/statutory changes that would require Ag industry to train just like other industries that use and produce chemicals. (14 votes)
- Information for training regarding the complaint process needs to be nationally standardized, hear the same information from everyone with all training and in own language, even with specific chemicals training, applicators, handlers, field workers. (13 votes)
- Public outreach needs to occur such as, radio programs, radio spots, PSAs booklets. They should specify how to make a complaint and the rights of making a complaint etc. (12 votes)
- Translators should be provided for training and toll free hotlines established. (10 votes)
- Access need to be improved (including office hours, hotlines, locations). (Nine votes)
- Employer required to keep training log on training there and keep track of employees already trained elsewhere. (Seven votes)
- Eliminate the prohibitions that limit access to workers by farm worker advocates in camps (housing). (Five votes)
- Workers should have a card, which specifies who trained them, when they were trained and what requirements were they trained about. (Five votes)
- Increase and improve access to legal resources (like CRLA). (Five votes)
- Develop concerted and targeted training and outreach for small farmers. (Four votes)

- Provide better education with better and appropriate materials with follow up; need to identify possible actions by others for making complaints that are retaliating. (Three votes)
- Do not change agriculture employer responsibility but increase resources and access for Americorp programs. (Two votes)
- Before entry into agricultural work, training must occur with complaint process. (Two votes)
- Training videos and materials should follow model of worker right to know. (One vote)
- Include information in training on what information needs to build a good case. (One vote)
- National criteria need to exist and be required, highest standard of training for all workers including enforcement needs to be required.
- Increase opportunity places for dialogue between farm worker groups and grower groups and support dialogue.
- Increase opportunities, access to training workers regarding the complaint process and rights in the field.
- States etc. should not have discretion; require enforcement throughout the States.

### **Educating Workers on the Complaint Process**

- Training does not include the complaint process.
- There is not enough outreach.
- Spanish speakers that cannot read Spanish.
- Other ways to educate workers.

### **Educating Workers on the Complaint Process - Suggested Improvements/Process**

- All workers training should include: how to make a complaint. This must be required in training
- Access to complaints to be made. In one county, the offices are open 6 am to 3 pm. Workers

- care working during this time. Need to have better timing of offices and locations.
- Before entry into agricultural work, training should occur with a competent person.
  - Education needs to be more often with better and appropriate materials with follow up and the need to identify possible action by another for making complaints that are retaliating.
  - Workers should have a card that specifies who trained them, when and what the training was about.
  - There should be an 800 number nationwide that educates workers about complaint process and makes referrals to appropriate state agencies.
  - Employers should be required to maintain records about the training-taking place on the farm and about the worker.
  - Include information in worker training on what information needs to build a case.
  - A translator should be provided for training and an 800 number should be established especially for Indigenous people.
  - Information for training regarding the complaint process needs to be nationally standardized. There is a need to hear the same information from everyone with all training and in the workers' native language. It should also include training on specific chemicals, applications, handlers and field workers.
  - There should be national criteria with highest standard of training for all workers including enforcement needs to be required.
  - There should be public outreach, radio programs, PSAs radio spots, booklets would specify how to make a complaint and the rights about making complaints.
  - Develop regulatory statutory change that would require the agriculture industry to do the same to rain just like other industry that use chemicals.
  - Public outreach: Eliminate the prohibition that limits access to workers by farm worker advocates in camps.
  - Increase and improve access to legal resources.
  - Develop converted and targeted training and outreach for the small farmers. It should not be the problem of he farm worker that he is working on a small farm.
-

- Increase the opportunities and places for dialogues between farm worker groups and grower groups and support the dialogue.
- Increase opportunity access to training workers re: the complaint process and rights in the field.
- States should not have the discretion but should require the enforcement throughout the States.
- Do not change employer's responsibility but increase resources and access for AmeriCorp programs.

### **Resolving Retaliation Problems**

It was suggested to rename this issue to: 'Preventing Retaliation Process' or 'Providing Effective Protection for the Complainants'.

### **Problems:**

- The WPS does not address retaliation.
- The WPS has no teeth.

### **Suggested Approaches for Resolving Retaliation Problems:**

- EPA should examine existing and tracking systems and select one as a model.
- Develop criteria for a best practice model.
- Look at what OSHA has done. OSHA is not perfect but there is no point in reinventing the wheel.
- Overall reporting system that would include these types of issues.
- Establish a focal point, like a hotline.
- There should be a National Reporting Standard, currently it is by State.
- Statutory changes to mandate reporting by physicians.
- Fund the CDC and set them up so they can collect data and have a repository.

- Strengthen State ability and responsibility to report and collect data and its accessibility for stakeholders.
- Define retaliation in the statute.
- Look at other worker laws and statutes programs like OSHA, see how they define worker retaliation, and see which have applications and could serve as models.
- Include confidentiality study such as the California model. Strengthen confidentiality in all states. Study the California model and establish a national standard.
- Include notions/ideas of burden of proof for funding in WPS just like OSHA and other State regulations.
- Include information on worker training that workers do not have.
- Amend 40 CFR 170.9 to include retaliation which would mean that they would be subject to FIFRA penalties; they don't define it because it is too difficult
- Amend the statute to provide adequate penalties for retaliation; currently there are not penalties.
- Amend statute to provide compensation for victim adequate compensation, lost wages, get their job back.
- Include intimidation threats of retaliation: "I'll get you across the border and you will never work in the States again."
- Include information on work having that they do not have to get to supervisor and that they have other options.
- Incentive programs how to make accident reports. To include that in safety incentive program.
- Establish criteria and models for good safety incentive program and publish them.
- Displeasure was expressed on the false assumption of the grower.
- Strengthen support and educate employers regarding relationship issues strengthen grower education efforts; use best practice models.

### **Approaches – Retaliation from Complaints**

- Look at other worker laws/statutes programs, Like OSHA see how they deal with retaliation/threats of retaliation and see which have application and could serve as models. (23 votes)
- Amend statute to provide adequate penalties for retaliation. (14 votes)
- Define retaliation in the statute. (Six votes)
- Include notions/ideas of burden of proof for firing in WPS just like OSHA and other state regulations. (Four votes)
- Include information in worker training that they do not have to go to supervisor and that they have other options. (Five votes)
- Amend 170.9 to include retaliation and do not' define it which would mean that they would be subject to FIFRA penalties. (Three votes)
- Strengthen National Standards, confidentiality study, and California model and establish a national standard. (Three votes)
- Strengthen support and educate employers regarding retaliation issues strengthen grower education efforts and best practice models.
- Amend statute to provide adequate compensation for retaliation victim. (One vote)
- Incentive programs how to make accident/incident report require including that in farmer worker safety incentive programs. (Two votes)
- Establish clear criteria and models for good safety incentive programs and publish them. (Two votes)
- Provide support for workers during complaint process.

## **Communication & Information Exchange Work Group Issues**

### **The Communication & Information Exchange Work Group issues included:**

- \* General WPS Outreach with Stakeholders
- \* Hazard Communication
- \* Language & Cultural Barriers

\* Health Care Provider Outreach

**Work Group Discussion of Issues**

- Problem with first category - combines outreach to stakeholders and to HQ about REIs, seem like separate topics - who is the audience?
  - Need information/outreach from stakeholders to EPA to stakeholders.
  - One issue seemed more like rule setting vs. information sharing.
  - Category on children's outreach.
  - Children's medical care especially in Texas where med. compensation is not necessary.
  - Identifying audiences, separate communication mechanics from subject matter.
  - How do we get information to kids?
  - Are we talking about two issues?
    - Communication very broadly of where we are today vs. what we want to communicate if the rule is amended.
  - Inherent problems out there because of lack of communication regarding the rule. Need to clarify the rule and communicate it to others.
  - Many communication issues are beyond WPS.
  - There is a lack of understanding among workers and medical people regarding REIs and the basis for it.
  - State problems: CNB, hazcom of specific products (crop sheets, labels, field posting) - identify issues of concern.
  - Clarifying central notification and posting requirements need to interpret in relation to where the workers are located.
  - Different REIs for pesticides makes it confusing,
  - Outreach and communication with OSHA, state plans, DOL, NIOSH
  - Responsibility seems placed on EPA. What about the responsibility of growers and workers?
  - What is under hazcom rule that needs to be finalized? What does EPA's hazcom rule require?
-

(There is no finalized rule).

- Hazcom rule very broad topic - need to separate out hazcom to preventing/minimizing exposure and also hazcom before workers start.
- Field posting - signs need to be bigger; be placed closer together to be more effective, and frequency.
- Hazcom is almost a training issue - good for general info but not specific information
- Need better interagency coordination. Is there some broader range of communication issues that we are missing?
- Workers do not know what they are being exposed to: through CNB, postings, etc. What does “Central” mean?
- Outreach and feedback loop. We do not have a good feedback communication.

### **Hazard Communication (Hazcom)**

- CNB - is this the most effective means of communication - especially for all the cropping systems that need to be addressed?
- Interpreted differently between grower, inspector, etc.
- Define it so that it can't be misinterpreted - central is where the workers gather - whose responsibility is this?
- Difference between hazards vs. risk communication? What is the purpose of central notification?  
To inform workers about pesticide applications? Many believe that verbal notification is better with verification.

### **Defining “Access”**

- What about labor contractors who just bring workers to the field? Make it field posting for each field? Rule needs to make it explicit that it is a right-to-know rule. Redundancy is paramount. Central posting not only on the board, but a piece of paper that the workers can carry with them, should communication also be in trainings? Need more interpretive guidance.

- Two things we are discussing (1) communication between grower and workers and (2) what will they need?
- In general, workers do not read the information. They do not feel like they need it.
- Oral communication is very important.
- Redundancy is hard on the grower.
- If you want kids protected, need to educate parents.
- The Western Growers Association believes the program is working and that there is a high degree of compliance. There is the reality of the small family farm - the paperwork stream is becoming more unimaginable.
- Ed Von Gray believes that oral notification is valuable.
- EPA has done a good job of getting information out there. The problem is the right-to-know what is happening today. What are the solutions?
- Difference between preventive.
- State has a big problem responding to complaints.
- Does not take much time for toolbox meeting/crew meetings to describe and communicate hazards.
- Oral notification is not sufficient, written notification is also needed.
- Erik Nicholson of PCUN - not seeing compliance period. Adequacy of training, tighten it up, get more specific. In Wallamut Valley, using pesticide with hand intensive techniques, it is grower's responsibility to care for workers.
- Piece rate payments is one reason for apathy - would rather be paid for working than not being paid to read.
- Some agricultural establishments experience great deal of vandalism and theft of posting/posted materials.
- Many small growers cannot meet oral notification requirements because of the language

difficulties.

- Not much of an issue. Believe we should try (double notification - oral and written) on an experimental basis.
- Posting is effective especially for smaller growers in Hawaii.

**Two parts: Notification and Training**

- Notification includes field posting and central display. Some believe that central display should change to verified oral notification.
- Training issues include adequacy and right-to-know hazcom where specific pesticide information can be given at tailgate meetings.
- Central posting also includes safety poster, nearest emergency information, etc and cannot be conveyed just orally.

**Central Information Display Requirements are referenced below as #1-#6:**

- (1) Location and description
  - (2) Name, reg number, active ingredient
  - (3) Time, date of application
  - (4) REI
  - (5) Safety Poster
  - (6) Emergency medical info and assistance.
- Replace application information with verbal?
  - Options #2-4 change to oral notification with written verification.
  - All pesticide application information kept in grower's office and made available to all.
  - #1-3 needs to be available in written form for workers to grab and take to hospital.
  - Access is a real issue to workers.
  - Field specific posting is important.
  - Too much dependence on text.
  - How are we communicating hazards to children?
  - Why are we addressing children in the field; they are not suppose to be in the field; isn't this a
-

parental issue?

- Medical monitoring important in underreported cases (?)
- Growers provide written information to workers.
- What areas of the country are running into problems with children?
- All fields should be posted; REIs should take into consideration pregnancy and kids.
- Carry heavy fine if preventing worker access to #1-6. This will create many outlaws among farmers.
- We should have a penalty for failure to notify - right now, we cannot do that.
- Have each worker have his or her own log book (cost of handbooks/logbooks might not pass OMB approval).
- Have one REI that considers children's exposure.
- Workers want to take away the information at central notification - replace CNB

### **Field Posting**

Requirements: If REI is in effect and workers are on the establishment within a quarter mile of site option of verbal notification or posting, if in tox I or II category pesticides, may have requirement for one or both. No sooner posted than 24 hours and 48 hours after REI ends.

- Growers do not put signs up or down then they are supposed to – logistical matter
- If good oral notification is given, field posting is probably unnecessary.
- Need to deal with drift issues too.
- Need company name or contact name on field postings
- REI is violated by supervisors telling workers to go thru treated fields to get to the field they are working.
- Postings need to be sufficiently big to see from a distance.

- Where does it end? How can growers account for children in different parts of their fields?
- WPS is for occupational protection not the public.
- Posting does really work in California effective in preventing illness.
- Posting for all REIs if there are workers present.
- Require posting of name and address - not necessarily, because it may be subject to vandalism. Perhaps a phone number contact is good.
- Cropping systems should have flexibility in postings. Have each industry decide their type of posting?
- What about spray drift? Do it through drift control. Put a three strike rule on aerial applicators/sprayers.
- Notification is unworkable as it is.
- Notification is not going to work if training is not done. It also will not work if it is not accessible. Workers do not use CVB, it is an Anglo approach to Hispanic population.
- It is an onerous task to keep postings up to date because of rain water, etc.
- \*Need performance-based standards that keep options open.
- Labor contractors - how to deal with notification? Perhaps a mobile CNB that goes to fields where workers are verifying that hazcom information has been given is needed.
- Need anonymous access to information.
- Need SOPs for row crops, orchards, vineyards, etc. - Consider labor management practices also contracting for labor vs. direct hire.
- Ultimately the grower is responsible.
- Cropping system - crop-by-crop SOPS seem overly burdensome.
- Workers take training more seriously if they are being paid.
- Crop sheets with information on pesticides commonly used on crops - general reference for workers and doctors.

- Crop sheets are a good tool as long as they do not get label specific.
- Crop sheets are a supplemental source of information.

### **Language and Cultural Barriers**

- Reason why hazard information is not passed on to workers.
- Language barriers, lack of training, and lack of infrastructure.
- Need to involve language, local community being served in development of training materials and information.
- Growers think they know language and they do not; need growers to understand workers.
- Bring workers to conduct own trainings- gets community involved; peer education; involve workers in development of trainings; may be necessary to have translators assist in trainings.
- EPA has role in translating labels e.g. supplemental Spanish label.
- Some growers do not speak English well e.g. Russians in Oregon; may need pictorial information.
- Difficult to get pesticide companies to translate all labels in all languages effectively - programs could be modeled after ESP in CA and OR that teaches recognition of certain terms in English.
- It should go beyond labels; training in multiple languages.
- Videos, comic books.
- Need more interactive trainings to ensure understanding
- Problems with enforcement agencies; they are insensitive (used labor contractor as interpreter).
- Cross cultural training for enforcement, trainers.
- Having a multi-cultural work force.
- In California, required to post information in other languages if 5% of the work force speaks this other language; fine if not done.

- How about the advocacy groups volunteering with inspectors to translate - need volunteers to address these languages and cultural barriers.
- Change recruitment techniques to encourage hiring a diverse work force, include diversity factors in recruitment announcements, tap into SEE program.
- Have a third party translator => neutral
- Accountability by state programs
- Setup formal internship/training/volunteer program in order to eliminate any agenda; EJ office.
- Have the advocacy groups participate in development of WPS implementation
- Use EJ office as a model e.g. Americorps
- EPA should develop specific training program on addressing cultural and language barriers.
- EPA builds diversity into programs; encourage ESP program.
- Federal funds directed to other organizations to address these issues.

### **General Outreach**

- Cultural sensitivity to the grower community too.
- Without grower buy-in, enforcement will not work.
- How important is employee protection to growers?
- Grower community can provide valuable input into the WPS short-term: database of those interested.
- Provide EPA with all stakeholder interests
- EPA should promote the benefits of compliance and non-compliance: carrot and stick.
- Adding date on pesticide label (last revision).
- Expectations of different groups
- Better utilization of organizations to distribute materials.

- Putting materials in a transfer-friendly way so that it can be distributed through Newsletters/fliers/etc.
- Did not see any chemical companies here.
- USDA has a great grower network communicate with them (Therese Murtagh/Al Jennings)
- Provide travel to both growers and workers for attendance.
- Need to define clear communication strategy

### **Health Care Provider Outreach**

- Healthcare providers (HCP) will only contact Poison Control Centers; not much interest in this area.
- HCPs (doctors) do not have time to do trainings.
- Concerns with no feedback about suspected exposures.
- Distance education may work to get HCPs involved.
- Need to focus message at target audience and have feedback loop.
- Is EPA the right player to the medical community? State health departments may be able to provide this outreach.
- Occupational health outreach should be used.
- Nurse practitioners are good targets.
- Variation from state to state.
- Compliance are - sometimes an inspector doesn't get medical reports until 2-3 weeks after the exposure.
- In California, the vast majority of workers ended up in emergency workers instead of health care clinics.
- Interagency communication is extremely important (NIEHS, CDC, DHHS) and occupational health clinics, area health education centers, pediatric environmental health units, etc

should be involved.

- Immediate anonymous access to specific pesticide use information.
- Medical monitoring provision in the WPS.
- Look at emergency response plans that some industries have in place.
- Change the WPS to require growers to provide information in injured workers leaving field.
- Provide awareness of who HCPs can go to if growers don't provide information on a timely manner.
- When workers go to clinic with pesticide exposure, doctors say that it is not pesticides but due to other causes.
- Need to educate HCPs.

## **Ongoing Process**

The Sacramento meeting represents the middle point for the formal assessment workshops though there remain many opportunities for stakeholders to become involved. The remaining Orlando, Florida and Washington, DC meetings represent opportunities for those who have not yet become involved in the process to actively work with EPA and all other program stakeholders in assessing the WPS. EPA and NEETF encourage all program stakeholders to remain a part of working toward common sense approaches to addressing concerns and issues arising from the workshop discussions and the GAO and CHPAC reports. The "National Assessment of the Worker Protection Program" was designed to be an ongoing process, which includes the four large workshops, working committees to more thoroughly examine issues and program challenges, and a steering work group, which will act as a standing body to provide direction to the assessment process and the agricultural worker protection program as a whole.

## **Next Steps**

### **Creation of WPS Assessment Working Committees and WPS Steering Group**

**Working Committees** - EPA intends to form a number of small working committees that will act as the cornerstone for more thoroughly focusing on and addressing the broad themes in addition to issues identified during the Austin and Sacramento workshops. Working committees will be made up of representatives from the WPS stakeholders who have volunteered to be active participants in the assessment process. All stakeholders are encouraged to participate in this

working committee process.

**WPS Steering Group** - A WPS Steering Group will be formed as part of this assessment process. This workgroup will help manage and provide direction to the assessment process, the different assessment-working committees, and the overall WPS program. The steering group will be comprised of representatives from EPA, Departments of Agriculture, Labor, and Health and Human Services, state regulators, state extension service safety educators, farm worker advocacy groups, farm worker service/training associations, agricultural employer associations, farm worker clinicians networks, and other interested stakeholders.

## **Additional Stakeholder Meetings**

The Sacramento meeting was only the second in a series of four large meetings that are being held to seek public comment on the implementation and enforcement of the agricultural worker protection program as part of the national assessment effort. The Agency is planning two additional stakeholder meetings for different regions of the country to help ensure that different regional perspectives are adequately represented during the assessment process. The next stakeholder meeting will be held in Orlando, Florida in July-August 2001. The last in the series of four major workshops will be held in Washington, DC in Fall 2001.

## **For More Information**

For more information about the national assessment process, plans for future stakeholder meetings, and how to become involved in the various workgroups being formed, interested parties are encouraged to visit the Certification and Worker Protection Branch's web page at [www.epa.gov/pesticides/safety](http://www.epa.gov/pesticides/safety) or call the Branch office directly at 703-305-7666.